

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, Monday, April 3, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer

Alternates present: C. Kusmer, V. Stearns

Alternates absent: B. Pociask

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:55 p.m. , appointing Alternate Stearns to act in case of member disqualifications.

Minutes: 3/20/06 – Noting corrections distributed at this meeting, Hall MOVED, Holt seconding, to approve the Minutes as corrected; MOTION PASSED unanimously. Zimmer noted he had heard the tapes of that meeting.

Zoning Agent's Report – The March Activity Update report was noted. Mr. Hirsch said he does not know the nature of current activity at the Col. Experience Storrs House in Mansfield Center. He said no applications have been submitted for property at Frontage Rd./Ash St..

Old Business

Proposed Mansfield Hollow hydropower project, 114 Mansfield Hollow Rd., Kirby Mill), S&M Shifrin, file 1243 – Favretti MOVED, Holt seconding, to approve with conditions the special permit application (file 1243) of Sam and Michelle Shifrin for a hydropower facility and related site work on property located at 114 Mansfield Hollow Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 1/31/06 as revised to 3/6/06 as prepared by Datum Engineering & Surveying, LLC and as described in a 1/31/06 Statement of Use and associated attachments and other application submissions, and as presented at Public Hearing on 3/6/06. Approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All Inland Wetland Agency permit requirements shall be met prior to the issuance of a Zoning Permit;
2. All permit requirements of the Mansfield Historic District Commission, Eastern Highlands Health District, and all State and Federal agencies having independent jurisdiction shall be met prior to the issuance of a Zoning Permit;
3. Any revisions required by other agencies shall be resubmitted to the Commission for review and approval. Unless significant alterations are required, revisions may be approved through the town's modification process and a new special permit approval shall not be required;

4. All construction traffic shall travel to and from the site using Bassetts Bridge Road and Mansfield Hollow Road Extension;
5. Approved hours of site construction activity shall be limited to 7 a.m. to 9 p.m., Monday through Saturday and Sundays from 9 a.m. to 9 p.m., unless, due to specialized construction circumstances, extensions are authorized in advance by the PZC Chairman, with staff assistance;
6. All excess material to be removed from site shall be deposited at an authorized site in Mansfield or another municipality. All necessary deposition permits shall be secured in advance;
7. To help address potential site restoration emergencies, a cash site development bond in the amount of \$5,000, with bond agreement approved by the PZC Chairman, with staff assistance, shall be filed before any site work begins. This requirement may be modified or eliminated by the PZC Chairman if alternative measures to address site development problems are required by other permitting agencies;
8. All onsite excavation shall be monitored, and if buried debris or hazardous materials are uncovered, the applicant shall immediately notify Mansfield's Zoning Agent and Inland Wetlands Agent. Any debris or hazardous materials shall be removed under the direction of the appropriate municipal or State official;
9. Final plans shall incorporate an inlet design that prevents entry by humans and pets, and addresses all required State and Federal permit provisions;
10. As recommended by the Windham Water Works, all fueling, lubrication and/or maintenance of construction vehicles shall be performed in a designated area significantly distant from the wetlands or watercourses, and an emergency spill response kit shall be kept on site at all times within a designated area;
11. This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records. MOTION PASSED UNANIMOUSLY.

Fill activity at 140 Bassetts Bridge Rd., L. DeBoer, Jr., file 1242 – Mr. Kochenburger had previously disqualified himself on this application, and Ms Stearns acted in his stead. After discussion, Hall MOVED, Holt seconded to approve with conditions the special permit application of Lowry R. DeBoer, Jr. (file 1242) for a gravel filling activity at 140 Bassetts Bridge Road, as shown on plans dated 9/13/05 revised to 3/15/06 as prepared by Towne Engineering, Inc. and described in other application submissions, and as presented at Public Hearings on 3/6/06 and 3/20/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. The plans shall be revised as follows:
 - A. The seeding mixture shall incorporate a broader range of seed species, specifically to include fescues, bluegrass and orchard grass, to help ensure appropriate revegetation on all sides of the berm areas, as agreed to at the 3/20/06 Public Hearing;
 - B. The plans shall include the following note: Completion of Site Work: All regrading activity shall be completed as soon as possible and no later than September 1, 2006. All revegetation and tree-planting work shall be completed by October 15, 2006;

C. The plans shall include the following note: Hours/Days For Site Work: All site work involving machinery or equipment shall take place Monday to Friday from 7 a.m. to 7 p.m. or Saturday, from 9 a.m. to 4 p.m. No site restoration work involving heavy equipment shall take place on Sundays.

2. Other than the potential deposition and grading of topsoil, there shall be no additional fill brought to site without prior Town authorization;

3. To help minimize impacts for existing residences along the southerly property lines, site restoration work and final seeding work should start along the southerly and southwesterly property lines. Furthermore, all regrading and restoration work shall be done in a manner that minimizes concentrations of storm water runoff and potential impacts on abutting properties;

4. This approval waives a number of site plan submission requirements, since the information submitted with the application is sufficient to determine compliance with approval criteria;

5. This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records. MOTION PASSED UNANIMOUSLY.

Proposed skateboard park west of Community Center, file 1173 – Memos were noted from the Director of Planning and the Ass't. Town Engineer (both 3/31/06). Staff engineer Timothy Veillette displayed and discussed the plans for drainage, parking, construction timing and traffic, lighting and other issues, noting that the project is designed so that homeowners on Eastwood Rd. would experience no nuisance effects from lighting or noise from the park. He estimated that there would be a week at most of construction truck traffic, which would access the site through the new parking area presently under construction, except for cement trucks, which would utilize the present north parking area for access. He added that the potential need for an additional parking lot in the future was taken into account in the design process. He stated that the only items to be constructed would be the 100'x100' concrete slab for the skating area, the lighting and a 5'-wide concrete sidewalk from the rink connecting with the existing Community Center building. Labor for the project is to be donated by local contractors, and it was stated by Mr. Veillette and Curt Vincente, Recreation Director, that there would probably be no construction work done on weekends or evenings or at Community Center peak-use hours. The site would be coned and a flagman would be employed during the period of construction traffic. Signage would be decided upon later. The rink, which would be enclosed by a chain-link-fence, would only be used during the Community Center's off-peak hours. It would accommodate 15-20 participants at a time. The Town wishes to start construction as soon as possible. Hall MOVED, Gardner seconded that the PZC Chairman and Zoning Agent be authorized to approve the 3/16/06 modification request for a skate board/roller-blading/stunt bike park on the Mansfield Community Center property, and related site work as described on submitted plans and discussed at the PZC's 4/3/06 meeting. This authorization is subject to the following conditions:

1. This approval is for work described in the 3/16/06 Statement of Use and depicted as being in Phase 1 on plans dated 3/20/06. All other potential site and building

modifications depicted on sheet 1 of the plans shall require subsequent Planning & Zoning Commission approval;

2. Construction traffic shall be carefully monitored and, as necessary, traffic control personnel shall be used to help minimize traffic safety problems. To the degree possible, all truck traffic to and from the construction site shall take place at off-peak hours for the Community Center and Municipal Building. As recommended by the Ass't. Town Engineer, all construction traffic, except for concrete trucks, shall access the site from the new parking lot now under construction;

3. Final plans and/or associated construction documents shall include the following:

A. Specific details regarding erosion and sedimentation control, site grading and site restoration

B. Construction details including cross-sections for concrete slab work, sidewalk construction (for a 5-ft. walk), fencing, lighting and stone wall reconstruction

C. An additional sidewalk segment to connect the proposed new walk with the existing sidewalk around the Community Center

D. Extension of existing roof drain as recommended by the Ass't. Town Engineer

4. In the event it is determined that the Community Center/Municipal Building site contains inadequate parking for all site uses, the Town shall expeditiously design a parking lot expansion, obtain PZC approval and construct the additional onsite parking;

5. A specific landscape plan, including new plantings between the new parking lot under construction and Rt. 275, for all disturbed areas at the Community Center site, shall be submitted to and approved by the PZC Chairman, with staff assistance, and implemented prior to October 15, 2006. MOTION PASSED UNANIMOUSLY.

Aurora Estates subdivision, Lot 2, request to alter lot line, file 1231 – The Planning Director's 3/31/06 memo and a 3/30/06 letter from Jana Butts, Chaplin Zoning Agent/Planner, were noted. Mr. Padick's memo explains that the lot presently lies in two towns, Mansfield and Chaplin. Attorney Samuel Schrager, representing the applicant, stated that the applicant agrees to all of the recommendations in Mr. Padick's memo. After discussion, Holt MOVED, Hall seconding, that the Planning and Zoning Commission approve a lot line revision for Lot 2 in the Aurora Estates subdivision on Bedlam Road (file 1231), subject to the following conditions:

The new lot lines shall be depicted on an A-2 survey map and shall be filed on the Land Records as a revision to the previously-approved subdivision plans. The new map shall clearly note that the Mansfield land to be merged with the Chaplin Lot of Record has not been approved as a lot, and that no residence or portion thereof shall be authorized in Mansfield unless this area is specifically approved as a lot. Additionally, this map shall include at least 200 feet of frontage for Lot 2 along Bedlam Road, to address RAR-90 frontage requirements;

The deed for the Mansfield land being separated from Lot 2 shall clearly specify the merger and residential restrictions cited above in condition #1. This deed shall be approved by the Mansfield Town Attorney and filed concurrently with the map cited in condition #1;

Notice of this lot line revision shall be filed on the Land Records, pursuant to Section 6.13 of the Subdivision Regulations. MOTION PASSED UNANIMOUSLY.

Aurora Estates, Lot 2, request for tree removal, file 1231 – A 3/27/06 letter with attachments from lot-owner Joseph Cerreto requests removal of 2 trees on the property, just outside the approved Design Area Envelope. Builder Mark Lavitt displayed plans for the house, noting the large house footprint and the fact that the trees are only 20 feet from the proposed house location. The owners feel the trees are malformed and are concerned that they could fall on the house. Mr. Lavitt added that there are other trees that could fill in the area if these trees were removed. Mr. Favretti had viewed the trees and concurred that they are malformed and would probably not stand much longer, and that there are desirable young oak trees that will infill. After discussion, Holt MOVED, Hall seconding, that the Planning and Zoning Commission approve the request of Joseph Cerreto to remove two white pine trees outside the design area envelope on Lot 2 in the Aurora Estates subdivision, as described in a 3/27/06 letter. This action is taken because the subject trees are not in good health and do not warrant preservation. MOTION PASSED UNANIMOUSLY.

PZC-proposed revisions to the Zoning Map, Zoning Regulations and Subdivision Regulations, file 907-27 – A Public Hearing is scheduled to take place on May 1, 2006.

New Business

Sunrise Estates subdivision request to rename the subdivision and its road and to approve a Letter of Credit, file 1214-2 – A 3/30/06 memo from the Planning Director addressing both of these issues was noted, as well as a 3/29/06 memo from the Fire Marshal. Holt MOVED, Gardner seconding, to modify the 10/18/05 PZC approval of the “Sunrise Estates” subdivision to rename the subdivision “Beacon Hill Estates” and to authorize the use of “Beacon Hill Drive” as the name of the new road. Additionally, the PZC authorizes the posting of a Letter of Credit from Jewett City Savings Bank for subdivision improvements, subject to compliance with all regulatory provisions. MOTION PASSED UNANIMOUSLY.

Proposed efficiency unit and fill activity, 521 Storrs Rd., M.&V. Oliver, file 1244 – Holt MOVED, Gardner seconding, to receive the special permit application (file 1244) submitted by Michael and Valerie Oliver for an efficiency unit and fill activity on property owned by Deborah Oliver located 521 Storrs Road, as shown on plans dated March 27, 2006 and as described in other application submissions, and to refer said application to the staff for review and comments and set a Public Hearing for May 15, 2006. MOTION PASSED UNANIMOUSLY.

Modification request, proposed division of retail store at 165 Storrs Rd., M. Howard, file 1032 – Memos were received from the Planning Director (3/31/06) and Ass't. Town Engineer (3/30/06). After discussion, Holt MOVED, Gardner seconding, that the PZC Chairman and Zoning Agent be authorized to approve the 3/20/06 modification request of Marion Howard to divide an existing retail building located at 165 Storrs Road into two retail tenant spaces, as described in applicant submissions, subject to the following conditions:

1. Other than exterior façade and entry improvements, which may be approved by the PZC Chairman with staff assistance, any site or building alterations or any non-retail

store uses shall require subsequent review and approval of the Planning and Zoning Commission;

2. The existing parking lot shall be modified to meet all current State requirements for accessible parking.

MOTION PASSED UNANIMOUSLY.

3/20/06 letter from R. Scorpino, CT DEP, regarding fire protection issues – It was agreed by consensus that the letter should be referred to the Mansfield Fire Marshal and Fire Chief, and that their comments on the adequacy of Mansfield's regulations to address the Fire Department's requirements be referred to the Regulatory Review Committee.

Field trip – By consensus, scheduled for Monday, April 17th, at 1 p.m.

Communications and Bills – As noted on the Agenda. Mr. Padick and Commission members briefly discussed plans for future management of the University of CT's water system.

The meeting was adjourned at 9:18 p.m.

Respectfully submitted,
Katherine K. Holt, Secretary